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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,110	09/25/2003	Clifton Harold Bromley	03SW171 / ALBRP316US	7239
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ROCKWELL AUTOMATION for Turocy & Watson LLP 1201 SOUTH SECOND STREET E-7F19 MILWAUKEE, WI 53204			EXAMINER BILGRAMI, ASGHAR H	
			ART UNIT 2443	PAPER NUMBER
			NOTIFICATION DATE 07/09/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/671,110	Applicant(s) BROMLEY ET AL.	
	Examiner ASGHAR BILGRAMI	Art Unit 2443	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 45-88 are rejected under 35 U.S.C. 102(e) as being anticipated by Kreidler et al (U.S.6,975,913 B2).

3. As per claims 45, 48 & 73 Kreidler disclosed a system that facilitates rendering a browser-based Human Machine Interface (HMI) on a device associated with an industrial automation environment, comprising: means for interfacing a server component by way of a network to a set of client devices associated with an industrial automation environment (col.5, lines 11-23) {Also see figure 7}, wherein at least one device included in the set is a zero install client device with respect to rendering a browser based HMI {Zero install client device in the disclosure is not entirely “zero install” as it renders some tools from the server/host device that are associated with the HMI. Kreidler discloses that the Machine tool data is gathered and processed at the host/server from where it is sent to the customer/client that operates the machine via

Art Unit: 2443

the internet through a browser or Application Programmer Interface (API) or Graphical User Interface (GUI)) (col.2, lines 42-56) ; means for establishing at least one persistent browser session over the network with at least one browser running on the at least one device included in the set of client devices (col.5, lines 26-34); means for rendering a browser-based HMI formatted for display on the at least one browser (col.5, lines 49-66), wherein the browser-based HMI is specifically formatted to present relevant information associated with the industrial automation environment (col.11, lines 59-64); and means for transmitting the browser-based HMI over the network by way of the at least one persistent browser session to the at least one browser (col.7, lines 55-67 & col.8, lines 1-9) {Shows browser based Human Machine Interface (HMI) being communicated over the Internet and real-time information/data is exchanged (I.E persistent browser session) during the HMI communication session}.

4. As per claims 46, 72 & 88 Kreidler disclosed the system of claim 45, further comprising means for automatically updating the browser-based HMI in response to a change in a state of the industrial automation environment (col.20, lines 43-53).

5. As per claims 47, 53, 54, 55, 70, 71, 75, 76 Kreidler disclosed the system of claim 45, further comprising means for maintaining the at least one persistent browser session in an asynchronous and continuous manner (col.2, lines 42-49).

6. As per claims 49 & 74 Kreidler disclosed the system of claim 48, the communication component transmits the browser- based HMI generated by the HMI rendering component to the device or to the at least one persistent browser operating on the device over the network by way of the browser session (col.5, lines 10-34).

7. As per claim 50 Kreidler disclosed the system of claim 48, the communication component initiates the browser session based upon a request to initiate a browser session received from the device or from the at least one persistent browser operating on the device (col.5, lines 10-34).

8. As per claim 51 Kreidler disclosed the system of claim 48, the device is substantially a zero-install client device with a standard web browser, wherein the zero-install device requires no additional proprietary or application-specific components in order to construct, define, format, or display the browser-based HMI (col.5, lines 10-34).

9. As per claim 52 Kreidler disclosed the system of claim 48, the device is at least one of a fixed HMI, a tethered portable HMI, or a wireless HMI (col.5, lines 10-34).

10. As per claims 56, 61, 78 & 83 Kreidler disclosed the method of claim 73, further comprising storing data associated with at least one of a user history associated with the one or more device or a machine or equipment included in the industrial automation environment (col.3, lines 18-24), a user preference associated with the one or more

Art Unit: 2443

device or a machine or equipment included in the industrial automation environment, an equipment list associated with the industrial automation environment, an equipment function or capabilities list associated with the industrial automation environment, a disparate or previous browser-based HMI, or features of one or more browser-based HMI (col.17, lines 37-48).

11. As per claim 57 Kreidler disclosed the system of claim 56, the communication component transmits at least a portion of the multiple browser-based HMIs (1) to the at least one browser as an update to the browser-based HMI, (2) to multiple browsers operating on the device, or (3) to multiple devices included in the set of client devices (col.5, lines 49-66).

12. As per claims 58 & 77 Kreidler disclosed the system of claim 48, further comprising a customization component that receives one or more desired attribute associated with the browser-based HMI (col.11, lines 49-58).

13. As per claim 59 Kreidler disclosed the system of claim 58, the one or more desired attribute is at least one of a language in which the HMI is to be rendered, a type of machine or industrial equipment to be represented by the HMI, a type of data or information to be rendered or represented by the HMI, or received from the device or the at least one browser operating on the device by way of the persistent browser

Art Unit: 2443

session (col.17, lines 16-36).

14. As per claim 60 Kreidler disclosed the system of claim 48, further comprising an artificial intelligence component that produces one or more inference associated with a suitable browser-based HMI (col.2, lines 42-50).

15. As per claims 62 & 79 Kreidler disclosed the system of claim 48, further comprising a memory remote from the device that stores a library or profile associated with the browser-based HMI (col.3, lines 18-24).

16. As per claim 63 Kreidler disclosed the system of claim 62, the library or profile includes data associated with at least one of a user history associated with the device or a machine or equipment included in the industrial automation environment (col.3, lines 18-24), a user preference associated with the device or a machine or equipment included in the industrial automation environment, an equipment list associated with the industrial automation environment, an equipment function or capabilities list associated with the industrial automation environment, a disparate or previous browser-based HMI, or features of one or more browser-based HMI (col.17, lines 37-48).

17. As per claims 64, 80 & 84 Kreidler disclosed the system of claim 48, further comprising an encryption component that encrypts information propagated by way of

Art Unit: 2443

the persistent browser session or the network (col.7, lines 21-30).

18. As per claims 65 & 81 Kreidler disclosed the system of claim 48, further comprising an authentication component that verifies information propagated by way of the persistent browser session or the network is from a trusted source (col.7, lines 21-30).

19. As per claim 66 Kreidler disclosed the system of claim 48, network is a wide area network (WAN) or a local area network (LAN) (col.2, lines 42-44).

20. As per claims 67 & 85 Kreidler disclosed the system of claim 48, the network is a virtual private network (VPN) that facilitates secure transmission of data between the communication component and the set of client devices (col.7, lines 21-31).

21. As per claim 68 Kreidler disclosed the system of claim 48 is included in or operatively coupled to a web server (col.5, lines 11-34).

22. As per claims 69, 86 & 87 Kreidler disclosed the system of claim 68, wherein the at least one browser and the web server employ at least one of hypertext transfer protocol (HTTP) or transmission control protocol/Internet protocol (TCP/IP) (col.9, lines 12-18).

23. As per claim 82 Kreidler disclosed the method of claim 80, further comprising providing a personal identification number to at least partially authenticate the session request (col.7, lines 21-31).

Response to Arguments

24. Applicant's arguments filed 4/6/2010 have been fully considered but they are not persuasive.

25. Applicant argued that Kreidler failed to disclose a "zero install client device" as being disclosed and claimed by the applicant.

As to applicant's argument applicant's "zero install client device" is not entirely zero install since it has to have an operation system and a web browser software installed on it. See Specification page 3.

Web-based technologies can be used to solve problems associated with traditional HMI's. The basic premise of a web-based application is that all (or at least most) of the application-specific software is installed and runs on a relatively small number of server computers, while the client computers that are used to access the provided functionality need only have the standard operating system and a web browser installed on them. As both the operating system and the web browser are typically installed on the computer by the vendor, the purchaser needs to do very little (if any) configuration to make these computers functional. For web-based applications, which require no application-specific client-side software, this results in a so-called "zero-install client." Installation and configuration of the application-

Art Unit: 2443

Therefore zero install client device in the disclosure is not entirely "zero install" as it renders some tools from the server/host device that are associated with the HMI.

Kreidler discloses that the Machine tool data is gathered and processed at the host/server from where it is sent to the customer/client that operates the machine via the internet through a browser or Application Programmer Interface (API) or Graphical User Interface (GUI)} (col.2, lines 42-56).

26. Applicant argued that prior art failed to disclose "Persistent" browser session and further defined persistent browser session as being asynchronous or continuous.

As to applicant's argument Kreidler shows browser based Human Machine Interface (HMI) being communicated over the Internet and real-time information/data is exchanged (I.E persistent browser session) during the HMI communication session.

Conclusion

27. Applicant's future amendments need to comply with the requirements of MPEP § 714.02, MPEP § 2163.04 and MPEP § 2163.06.

"with respect to newly added or amended claims, applicant should show support in the original disclosure for the new or amended claims." See MPEP § 714.02 and § 2163.06 ("Applicant should * * * specifically point out the support for any amendments made to the disclosure."); and MPEP § 2163.04 ("If applicant amends the claims and points out where and/or how the originally filed disclosure supports the amendment(s), and the examiner finds that the disclosure does not reasonably convey that the inventor had possession of the subject matter of the amendment at the time of the filing of the application, the examiner has the initial burden of presenting evidence or reasoning to explain why persons skilled in the

Art Unit: 2443

art would not recognize in the disclosure a description of the invention defined by the claims."). See *In re Smith*, 458 F.2d 1389, 1395, 173 USPQ 679, 683 (CCPA 1972) *In re Wertheim*, 541 F.2d at 262, 191 USPQ at 96 (emphasis added).

"The use of a confusing variety of terms for the same thing should not be permitted.

New claims and amendments to the claims already in the application should be scrutinized not only for new matter but also for new terminology. While an applicant is not limited to the nomenclature used in the application as filed, he or she should make appropriate amendment of the specification whenever this nomenclature is departed from by amendment of the claims so as to have clear support or antecedent basis in the specification for the new terms appearing in the claims. This is necessary in order to insure certainty in construing the claims in the light of the specification." *Ex parte Kotler*, 1901 C.D. 62, 95 O.G. 2684 (Comm'r Pat. 1901). See 37 CFR 1.75, MPEP § 608.01 (i) and § 1302.01.

Note that examiners should ensure that the terms and phrases used in claims presented late in prosecution of the application (including claims amended via an examiner's amendment) find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description, see 37 CFR 1.75(d)(1). If the examiner determines that the claims presented late in prosecution do not comply with 37 CFR 1.75(d)(1), applicant will be required to make appropriate amendment to the description to provide clear support or antecedent basis for the terms appearing in the claims provided no new matter is introduced."

"USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure." *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). MPEP § 2106. "

The examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider each of the cited references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASGHAR BILGRAMI whose telephone number is (571)272-3907. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L.M. Dollinger can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. B./
Examiner, Art Unit 2443

Application/Control Number: 10/671,110

Page 12

Art Unit: 2443

/Tonia LM Dollinger/
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